

PLANNING AND ZONING BOARD
MARCH 24, 2004

1. ROLL CALL

The meeting was called to order at 7 p.m. Board members present were Chair Mike Bender, Vice-Chair Mimi Turin, Casey Lee and John Stevens. Also present were Attorney Andre Parke, Planning Supervisor Marcie Nolan, Planner Brad Swing and Board Secretary Janet Gale recording the meeting. Scott McLaughlin was absent.

Chair Bender indicated that he wanted to take item four, new business, out of order. He advised that at the March 17th Town Council meeting, the IDI project had been discussed and the actions taken by this Board had not been correctly represented by Planning and Zoning Manager Mr. Leiva to the Council at that meeting. Chair Bender asked that the Board's motion and vote somehow be made part of the record so there would be no misinterpretations. Ms. Nolan responded that the Board's motions were part of the backup information distributed to the Council and it was noted at the beginning of the planning report in their packets. She indicated that she would discuss the incident with Mr. Leiva.

2. PUBLIC HEARINGS

Zoning Conformance, Townwide

2.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE OFFICIAL ZONING MAP FOR ZONING CONFORMANCE AREA 1 AND 2 AS REQUIRED BY THE TOWN OF DAVIE LAND DEVELOPMENT CODE; PROVIDING FOR REZONING OF ALL PROPERTY IN THE TOWN'S ZONING CONFORMANCE AREA 1 AND 2 IN CONFORMANCE WITH THE ZONING DESIGNATIONS CONTAINED ON THE OFFICIAL ZONING MAP OF THE TOWN OF DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE.

Planner Brad Swing read the ordinance and explained its intent. Ms. Nolan stressed that this ordinance was crucial in order for the Town to enforce its own regulations on property which had been annexed into the Town and to be consistent with the Land Use Plan. She explained that the underlying land use and density would remain the same; however, if projects were to somehow be destroyed, they would have to be rebuilt to the Town's Code. Ms. Nolan stated that in the industrial area, the Forman property had been exempted based on the settlement agreement and the annexation agreement. She provided historical prospective and noted that the effort was to make the zoning consistent.

Chair Bender asked if anyone wished to speak for or against this item.

Michael Manes indicated that he was representing Larry Danielle. He expressed Mr. Danielle's concerns regarding how this ordinance would change the Code and may prevent his present use of the land with how he may use it in the future. Mr. Manes indicated that Mr. Danielle's major concern was that these present uses would continue to be legal uses in the future even if the property were to be sold. Mr. Danielle indicated that if he lost the current recycling facility use allowed under M-4 County, his property would be devaluated considerably.

As there were no other speakers, the public hearing was closed.

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At Ms. Lee's request, Ms. Nolan confirmed that the "transfer station" (recycling facility or salvage yard) would not be permitted in the M-3 zoning district except under the present ownership as a legal, non-conforming use. Ms. Nolan also confirmed that should a catastrophe occur and the business be destroyed, Mr. Danielle would not be permitted to rebuild with the present use. Mr. Danielle advised of the revenue and financial impact that his "industry" has brought to the community. He also reminded the Board of the steps he had taken to improve the appearance of the sites.

A lengthy discussion ensued regarding how to modify or amend the ordinance in order to address the valid concerns brought up by Mr. Danielle. Ms. Nolan listed the M-3 uses as well as the M-4 uses in order to compare and consider intensifying the M-3 uses. Ms. Lee did not believe that the permitted uses should be changed after they have been practiced for over 35 years. Vice-Chair Turin expressed that the ordinance should be amended to consider the developer's vested rights.

Ms. Lee made a motion to deny, seconded by Vice-Chair Turin. Mr. Stevens asked if there was a way, other than denying the item, to fix the ordinance to address the noted concerns.

Ms. Lee withdrew her motion and Vice-Chair Turin withdrew her second. A brief discussion ensued regarding procedure and the Board's direction to staff for what needed to be amended in the ordinance.

Mr. Stevens made a motion, seconded by Ms. Lee, to table to the next meeting [April 14, 2004] and request staff to amend the ordinance to waive the fee on the vested rights issue for residents that were effected by this ordinance; to remove hurricanes and other casualties from losing the non-conforming status; and to extend the amounts of time for the transfer of occupational licenses. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Turin - yes; Ms. Lee - yes; Mr. McLaughlin - absent; Mr. Stevens - yes. **(Motion carried 4-0)**

Rezoning

2.2 ZB 2-1-04, Craven Thompson & Associates, Inc/SCI Funeral Services of Florida,
2401 Davie Road (from A-9 to B-2)

Ed Ploski, representing the petitioner, was present. Ms. Nolan summarized the planning report. Mr. Ploski concurred with the staff's report and explained that should this item be approved, platting and the site plan process would commence.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender - yes; Vice-Chair Turin - yes; Ms. Lee - yes; Mr. McLaughlin - absent; Mr. Stevens - yes. **(Motion carried 4-0)**

Variance

2.3 V 1-2-04, Shaw, 4050 SW 56 Avenue (R-5)

James Shaw, the petitioner, was present. Ms. Nolan summarized the planning report.

Mr. Shaw explained the circumstances which led to this variance request.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

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Ms. Lee made a motion, seconded by Mr. Stevens, to approve as long as the structure was used only for a storage shed. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Turin – yes; Ms. Lee – yes; Mr. McLaughlin – absent; Mr. Stevens – yes. **(Motion carried 4-0)**

3. OLD BUSINESS

Ms. Nolan updated the Board on such issues as the IDI amendment, IKEA and Sunny Lake. Her update was appreciated as expressed by several Board members.

4. NEW BUSINESS

Chair Bender asked that Ms. Nolan report back on her discussion with Mr. Leiva regarding the confusion of reporting the Board's actions at the last Council meeting.

5. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

6. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 8:10 p.m.

Date Approved _____

Chair/Board Member